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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JOHN PAPPAS,)	Case No. 3:20-cv-00743
)	
Plaintiff,)	FIRST AMENDED COMPLAINT
)	(Bodily Injury)
v.)	
)	Prayer: \$730,814.36
BIG LOTS STORES, INC., an Ohio)	Fee authority: ORS 21.160(1)(c)
corporation, and PNS STORES, INC., a)	
California corporation,)	
)	
Defendants.)	

Plaintiff alleges:

JURISDICTION

1.

At all times material, 2083 N.E. Burnside Rd. was in Gresham, Oregon.

BACKGROUND INFORMATION

2.

On November 10, 2018, Plaintiff John Pappas was shopping at the Big Lots store located at 2083 N.E. Burnside Rd. in Gresham, Oregon.

3.

This store was owned and operated by Defendants Big Lots Stores, Inc. and PNS Stores, Inc.

4.

Employees at this store are therefore employees of Defendants, and Defendants are vicariously responsible for the acts of their employees under the doctrine of *respondeat superior*.

5.

As a customer of the store, Plaintiff was a business invitee of Defendants.

6.

As Plaintiff was waiting in the checkout line to pay for a purchase, Defendants' employees were using a cart to move a large heavy box believed to contain a fireplace mantle. As the box neared Plaintiff, it fell, hitting Plaintiff on his left leg/hip area and knocking him into a nearby display rack.

NEGLIGENCE CLAIMS

7.

Defendants' employees were negligent in causing the box to fall and hit Plaintiff in one or more of the following ways:

- (a) Failing to use a flatbed cart or other suitable device to move a box of this size;
- (b) Failing to control the box to prevent it from falling while being moved; and
- (c) Failing to maintain a proper lookout when moving the box.

DAMAGE CLAIMS

8.

Defendants' negligence as alleged caused the following injuries to Plaintiff, some or all of which are permanent and partially disabling:

- (a) Twisting and wrenching of the muscles, tendons, nerves, and ligaments in his neck and back;

- (b) Injury to the disc(s), nerves, and tissue in his lower spine;
- (c) Injury to vertebrae of his lower back; and
- (d) Injury to the muscles, tendons, nerves, and ligaments in his left hip.

His injuries have resulted in pain and suffering, and significant impairment and limitation to his physical activities and well-being, all to his non-economic damage in an amount not to exceed \$700,000.00.

9.

As a further result of Defendants' negligence, Plaintiff has incurred medical expenses for treatment in the amount of \$30,814.36, all to his economic damage. This amount may be amended at trial.

PRAYER

Plaintiff prays for judgment against Defendants as follows:

- (a) For economic damages in the amount of \$30,814.36;
- (b) For non-economic damages in an amount not to exceed \$700,000.00;
- (c) For allowable costs and expenses; and
- (d) For such other relief as this Honorable Court deems just and proper.

DATED: May 21, 2020.

VAMES & WANG

By: /s/Emery Wang
EMERY WANG, OSB #095410
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Of Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that, on this date, I filed the foregoing **FIRST AMENDED COMPLAINT** via the U.S. District Court's CM/ECF Electronic Filing System.

I further certify that a copy thereof was served on the parties listed below by e-mail to their last known e-mail address as follows:

Stephen Yoshida
MB Law Group, LLP
117 SW Taylor St., Ste. 200
Portland, OR 97204
Email: syoshida@mbglaw.com

DATED: May 21, 2020.

VAMES & WANG

By: /s/Emery Wang
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Of Attorneys for Plaintiff